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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,888	03/22/2004	Robert William Winter	51432/RRT/A784	2212
79456	7590	03/06/2009	EXAMINER	
Robert W. Winter 1091 Lakeview Terrace Azusa, CA 91702			MYINT, DENNIS Y	
			ART UNIT	PAPER NUMBER
			2162	
			MAIL DATE	DELIVERY MODE
			03/06/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ROBERT WILLIAM WINTER

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Application No. 10/805,888  
Technology Center: 2100

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Mailed: March 6, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 4, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

APPEAL BRIEF – CLAIMS APPENDIX

On July 2, 2008, appellant filed an Appeal Brief. A review of the file reveals that claim 11 in the appendix of the Appeal Brief is not consistent as amended in the Amendment filed January 10, 2008. An Advisory Action filed by the examiner on March 3, 2008, stated that the amendments have been entered. Appropriate correction is required.

A Supplemental Appeal Brief is required for the claims appendix.

CONCLUSION

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner:

- 1) to hold the Appeal Brief filed July 2, 2008, defective;
- 2) notify appellants to file a Supplemental Appeal Brief with a correct copy of claims for the Claims Appendix;
- 3) consider the Supplemental Appeal Brief and if the Supplemental Appeal Brief is in compliance, issue and mail a Form PTOL-90 acknowledging receipt and consideration of the Supplement Brief; and
- 4) for such further action as may be appropriate.

Application 10/805,888

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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